



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
MARTIN NAVARRETE-CARILLO,
Defendant.

Case No: 17-MJ-1321
ORDER OF DETENTION

On November 5, 2018, Defendant made his initial appearance on the criminal complaint filed in this this matter. Defendant was represented by Seema Ahmad, Deputy Federal Public Defender ("DFPD"). Defendant submitted on the Pretrial Services Agency's recommendation of detention.

I.

- A. () On motion of the Government in a case allegedly involving:
1. () a crime of violence.
 2. () an offense with maximum sentence of life imprisonment or death.
 3. () a narcotics or controlled substance offense with maximum sentence of ten or more years.
 4. () any felony - where defendant convicted of two or more prior offenses described above.
 5. () any felony that is not otherwise a crime of violence that involves a

1 minor victim, or possession or use of a firearm or destructive device
2 or any other dangerous weapon, or a failure to register under 18
3 U.S.C. § 2250.
4

5 B. (x) On motion by the Government/() on Court's own motion, in a case
6 allegedly involving illegal alien found in the United States following
7 deportation:

8 (x) On the further allegation by the Government of:

9 1. (x) a serious risk that the defendant will flee.

10 2. () a serious risk that the defendant will:

11 a. () obstruct or attempt to obstruct justice.

12 b. () threaten, injure or intimidate a prospective witness or
13 juror, or attempt to do so.

14 C. The Government () is/(x) is not entitled to a rebuttable presumption that no
15 condition or combination of conditions will reasonably assure the defendant's
16 appearance as required and the safety of any person or the community.
17

18 II.

19 A. (x) The Court finds by a preponderance of the evidence that no condition or
20 combination of conditions will reasonably assure:

21 (x) the appearance of the defendant as required.

22 (X) and/or

23 (x) The Court finds by clear and convincing evidence that no condition or
24 combination of conditions will reasonably assure:

25 (x) the safety of any person or the community.
26

27 B. () The Court finds that the defendant has not rebutted by sufficient evidence to
28 the contrary the presumption provided by statute.

1 **III.**

2 The Court's findings are based on the evidence which was presented in Court, the
3 information contained in the Pretrial Services Report, and a consideration of the
4 following:

- 5 A. (X) the nature and circumstances of the offense(s) charged, including whether
6 the offense is a crime of violence, a Federal crime of terrorism, or involves
7 a minor victim or involves a controlled substance, firearm, explosive, or
8 destructive device;
- 9 B. (X) the weight of evidence against the defendant is high;
- 10 C. (X) the history and characteristics of the defendant as set forth below in section
11 V; and
- 12 D. (X) the nature and seriousness of the danger to any person or the community as
13 set forth below in section V .
- 14

15 **IV.**

16 The Court also has considered the affidavit in support of the criminal complaint
17 and the facts set forth in the Pretrial Services Report and its recommendation.

18

19 **V.**

20 The Court bases the foregoing finding(s) on the following:

- 21 A. (x) As to flight risk:

22 Defendant was previously convicted of felony narcotics offenses on June 17, 1998, July 30, 1998,
23 January 24, 2008, and March 1, 2017. Defendant was also convicted of illegal entry on December 17,
24 2009.

25 Defendant has no legal status in the United States and has been previously deported from the
26 United States 2000, 2011 and 2013.

27 Defendant is associated with multiple name variations, aliases and dates of birth.

28 Defendant has returned to the United States following his deportation without permission before

1
2 **VI.**

- 3 A. () The Court finds that a serious risk exists the defendant will:
4 1. () obstruct or attempt to obstruct justice.
5 2. () attempt to/ () threaten, injure or intimidate a witness or juror.
6 B. The Court bases the foregoing finding(s) on the following:

7 _____
8 _____
9 _____

10
11 **VII.**

- 12 A. IT IS THEREFORE ORDERED that the defendant be detained prior to trial.
13 B. IT IS FURTHER ORDERED that the defendant be committed to the custody of the
14 Attorney General for confinement in a corrections facility separate, to the extent
15 practicable, from persons awaiting or serving sentences or being held in custody
16 pending appeal.
17 C. IT IS FURTHER ORDERED that the defendant be afforded reasonable opportunity
18 for private consultation with counsel.
19 D. IT IS FURTHER ORDERED that, on order of a Court of the United States or on
20 request of any attorney for the Government, the person in charge of the corrections
21 facility in which defendant is confined deliver the defendant to a United States
22 marshal for the purpose of an appearance in connection with a court proceeding.

23
24
25 DATED: November 5, 2018

_____/s/
ALKA SAGAR
UNITED STATES MAGISTRATE JUDGE